G R S App F IX 4]

1943 -

File No 135-42

Previous References
Ppl 142-13-1-9

(Ppl)

Serial Nos 7

Later References

GEN & REV SECRETARIAT

Serial Nos

Part B for March 43

SUBJECT

Construction of a Cadre by Mr V/C Govinda-
Rajulu, BA, BL in Rayamahal, Krishnagiri

G R S APP F III—1]

2773

GENERAL AND REVENUE SECRETARIAT

(ml)

NOTES

File No/35-42

FILE HEADING

Construction of a garage by Mr V K. Goundarajulu, B A, B L in Raja Mahal Uppparahalli

FROM The Jnl Commr, Bngs, thro the Pol

No C2 C 680/42 Dated 27-10-42 Received

Diary No 2773	Enclos	Spare copies	Serial No 7

BRIEF ABSTRACT OF LETTER

Brings to the notice of Govt that Mr V K Goundarajulu, B A, B L, a Councillor of the Cpl mcp has constructed a garage on his site No 30, Maramma Temple Road, Raja Mahal Uppparahalli

NOTES AND ORDERS

1) The construction of buildings over in Uppparahalli is prohibited as per Go No 767 S/R 55-2 dt 27-1892 The Construction put up by Mr Goundarajulu is only temporary and he has given an undertaking in writing that he would remove the structures at whenever required to do so by the mcp. The license was

NOTES—First Sheet

WD 0283—GPB—3700—2 1 88

2223

Mc File No of 1932-43 | General and Revenue Secretariat

Granted by Dr Srinivasa Pendse
when he was the Health Officer
of the city mcf
sent for orders
Ille 24/11 Mc 25/11

2) Original application
No L 767-8/R 55-25 dated 23/11/41
from
23/11/41

3) sent with mc file 25-90 2601-8
containing the notifications
"Ille"

Ille Mc 24/11 4) The letter of the Mc Cmr
& the remarks of the Mc Health Officer
who is in charge of the duties of
the President are for perusal
The records show that it is a purely
temporary construction and the party has also
executed a Mutchalika agreeing to
remove it whenever required by the Mcl
Sufficient safeguards have been
Taken by the Health Officer on this behalf
In view of the above facts, it is for orders
if any action is called for
The note dated 2/10/1892 however prohibits
the erection of any building in the land even
if it has perhaps to be construed to mean
"temporary buildings" also

5) It is seen that the licence was
given by the Health Officer on 18/11/1941
The Health Officer was on the 11th

SECY LAW DEPT 5566 1947 GOVT MYSORE

WD 06260—GPB—500 pads of 100 sheets each—20 3 42

construction of a garage by Mr V K Govindarajulu
A Councillor of the Borough Mcpl 27/2

BABL

OFFICE OF THE MINISTER
FOR LSG & PH
Dt 25 11 62
N Madras

removal of the building
may be decided according

Murdeshwar Sig

25 11

please furnish a typed copy
of the same

pursue
above
25/11

The explanation of the Legal
officer may be called for, as to
why the grant to the Licensee
contrary to the standing orders
of Govt
Advise us the result and
to know of the grant of the
Licence
The Govt Counsel should
investigate as to whether there
was any suppression, misrepresentation etc,
This proceedings, among other things in contravention
of the above G.O. It should explain,
a report together with the explanation
of the Licensee should be sent for further

Sig
26/11/62

25/11

Draft attached
26/11/62

Submitted with a draft letter for approval
26/11/62

issue

26/11/62

Put up
26/11

From the ml Comm, Perth
No L 5328 & 26-11-42
Requests this & obtain & forward the explanation of the Health Officer to letter with his report to hand &

17 As supra to get the explanation of the Health Officer called for his [illegible] received

Subd for [illegible]
[illegible] P 16 [illegible]
C 21 [illegible]
21

Subd with a draft DO reminder
[illegible]
21/12
GS 4/12

20 [illegible]
Sar
21/12/42

[illegible] No L 6234 & 22-12-42
From the ml Comm, Perth
No CR C 650/42 & 21-1-43.
States that the explns of the Health Officer with the [illegible] receipt of the same [illegible]
It is stated that the [illegible] records have been sent to the Health Officer, [illegible] has requested by him, to furnish his explanation.
& that 11 licenses have been granted [illegible] the said locality to different persons

during the last

Continuation Sheet ml File No / Current No 135 of 42-43 Page

for repairs or extensions to the existing buildings or new constructions from the year 1932 up to the end of April 1942. It is also stated that the Md Comm came into knowledge of this fact only on 23-10-42 when furnishing answers to the Interpellation etc.

Submitted for perusal Receipt of the explr of the Health officer would be awaited

Secy Tamil Dept 8518 Govt of T.N.

18/1 18/1 V3) Perused Mr H Lewis will be reminded to expedite the Letter of the explanation of the Health Officer

Lawley 18/1/43

ml 18-1-43

Reminder 19/1/43

Draft reminder

18/1/43

Letter No CA a 650/42 dt 1-2-43 from the Md Comm forwarding the explanation of the Health officer, Mr Thiruvasagam Pedapet regarding granting the license to Mr Govindarajulu for the construction of a garage.

The explanation of Mr G Thiruvasagam Pedapet is flagged. Submitted for perusal

11/2 Cs

Re contract v. Limtos of garage in Palace approach

Continuation Sheet Mk File No 4692/K Current No 135 of 42 43 Page

of Subs with respect to paras 11 to 14 of the notes supra

Hoffett

of a typed copy of the P.O dated 2/8/92 - is put up - para 11

As re 12, the explanation of the Health Officer is put up for kind perusal. The Mk Cmr - non-statutory return - in reply it states that the explanation takes back and contains item expenses for justifying his action in contravening the rule" Mr Hoffett states in the end of his explanation that if there is any error of judgment he may be ~~excused~~ forgiven

As re para 13, the Mk Cmr states that the matter came to his notice on 23/10/42

As re para 14, the Mk Cmr has forwarded a list showing that 10 licenses have been granted during the last seven years on Registration Application & one on Dobashes either for effecting repairs or extensions to existing buildings or new constructions

9/8/42 33 For personal orders with reference to the Municipal orders at paras 11 to 14 supra

Lawrence 17/2/43

WD 1140—GPB—50 000—5-11-42

Construction of a garage by Mr V K Govindarajulu

Continuation Sheet (Jud) File No / Current No 135 / 11672/L of 42 Page

OFFICE O T T
FOR L S G & P H
Dat 19.2.43
N 6705

34) Submitted herewith Bank
Challan No 2 54 dt 18-2-43 for Rs 19/4/0 and
Challan No 2 3 2 43 dt 24-2-43 for Rs 10/4/0
sent with a draft letter for appl=

10 To the ml Commr, Bezp thro the Pol
no L 6701 dt 27-2-43
Returns the records
sent for orders whether the Papers may
be filed now ——— yes

B 2/3 5/3

1/3

BANGALORE CITY MUNICIPALITY

No C2 C 650/42

Encl 1 file

MUNICIPAL OFFICES

Bangalore 26th October 1942

From

ABDUL AZIZ KHAN Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

C Narayanaswamy Naidu, Esq , B A , B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT BANGALORE

SIR

I have the honour to state that Mr V K Govindarajulu, B A , B L , Councillor of this Municipality applied to the Licensing Officer of the Municipality on 17-9-1941 for the construction of a garage on his site No 30, Maramma Temple Road, Rajamahal Upparahally undertaking to remove it whenever required to do so by the Municipality

The site where it was proposed to be built is within the prohibited area, where according to Government Order No L 767-8/R 55-2 dated 2-7-1892, the erection of buildings of any kind whatsoever, (including extensions to existing buildings) is prohibited

Inspite of this order of Government by which buildings should be erected only with the express previous sanction of Government, the Health Officer has granted the license temporarily for the construction of the above garage vide L 498/ 18-11-1941

Dr Srinivas Peidpet was the Health Officer who issued this temporary license The facts are brought to the notice of Government for such action as it deems fit regarding the grant of license against the orders of Government by Dr Srinivas Peidpet

The connected records are enclosed for favour of perusal and return

I have the honour to be,
Sir,
Your most obedient servant,

Forwarded with compliments

Honorary President

Municipal Commissioner

Mr V K Govindarajulu has agreed to remove the temporary Construction whenever required by the MLT municipality and he has also executed a Muchalika on stamped paper to that effect under the circumstances I do not think that there is any necessity for the Govt to take action at present The temporary garage may be allowed for the time being

27 10 42

Appendix F G —1]

SUBJECT

Section ML

File No

Serial No

Diary No of letter replied to

No L 5-328.

General and Revenue Secretariat

( )

the *194*

To The ML Commr, Bcy

Sir,

With reference to your letter no G2 e 650/42 dy 27-10-4 re the construction of a garage by Mr V K Govindarajulu BA BL, councillor of the ward only site no 30, Maramma Temple Road, Rajamahal Vilas Extension, I am directed to request you to be so good as to obtain & forward the explns of the Health officer as to why he granted the license & contractor contrary to the

Date of issue 26 11 42

Signed by Asst GR Rao

List of enclosures

Codied by

Examined by

WD C4161—GPB—60 000—24 10 41

standing of orders of Court
It may also be stated as to
when you came to know
of the fact of the Grant of the licence in question
~~by the Health officer to the Corporation~~
I am also to request you
to investigate as to whether
there are any more ~~extensions~~ constructions - other than mentioned in the report of this kind
in the prohibited area, in contravention
of the instructions in G.O. No 767-8/ R.T. 55-92 dt 16.11
2/18-7 1892 and to submit a
report to Court within a fortnight
together with the explanation of the
Health officer -
The matter may be kindly
treated as immediate

I have etc
for
Secy to Govt
26/11

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 5328

Dated Bangalore 26 November 1942

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department

To

The Municipal Commissioner,
Bangalore City

Sir,

With reference to your letter No C2-C 659/42 dated 27th October 1942 regarding the construction of a garage by Mr V K Govindarajulu, B A ,B L , Councillor of the City Municipality on his site No 30, Maramma Temple Road, Rajamahal Upparahalli, I am directed to request you to be so good as to obtain and forward the explanation of the Health Officer as to why he granted the license in contrary to the Standing Orders of Government It may also be kindly stated as to when you came to know of the fact of the grant of the license in questic

I am also to request you to investigate as to whether there are any more constructions - either permanent or temporary - of this kir in the prohibited area, in contravention of the instructions issued in Governme Order No 767-8/R F 55-92 dated 2/18th July 1892 and to submit a report to Government within a fortnight together with the explanation of the Health Officer

The matter may be kindly treated as immediate

I have the honor to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Law Department

SR/2

Appendix F G —1]

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

Do No L 6234 — Revenue

To

General and Revenue Secretariat

( )

the *194*

Dear Sir,

I am desired to invite reference to this office letter No L 5328 dt 26th Nov 1942 re the grant of a license to one Mr V K Govinda Raju Pillai for the construction of a garage on his site No 30, Maramma Temple Road, Rajamahal Vilas Extn - Malleswaram and to request you to kindly obtain & forward the explanation of the Health officer as called for therein very early.

Date of issue 22 12 42

Signed by for G K Rao

List of enclosures

Copied by

Examined by

Yours faithfully

P T O

WD 04161—GPB—60 000—24 10 41

The file of records received with your U.O.
No. CVC 650/ HR 29 29 x HR dt. returned
herewith for reference & retransmission with
your report/report [illegible]

21/12/HR

To the Ord Comm, Brigs
U/o. (by name)
21/12

BANGALORE CITY MUNICIPALITY

4027/L

No C2-C 650/42 MUNICIPAL OFFICES

Encl One Bill

Bangalore 2nd January 1943

FROM

ABDUL AZIZ KHAN ESQ B A
MUNICIPAL COMMISSIONER
Bangalore City

GEN & REV BR 1943 LEGISLATIVE

To

The Hon'ble Sir K Venkatasubba Rao Kt, B A, B L,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT BANGALORE.

SECY TO LAW DEPT GOVT OF MYSORE

SIR

With reference to your letter No L 5528 dated 26-11-1942 requesting to forward the explanation of the Health Officer who granted license for construction of a garage to Mr M P Govindarajulu, B A, B L, Municipal Councillor on his site No 50, Maramma Temple Road, Rajamahal Uparahalli, which is in the prohibited area, I have the honour to state that the file of papers received with your letter No L 6234/42 dated 22-12-1942 has been sent to the Director of Public Health as it was required by Mr M C Srinivasa Reddy, Superintendent, Public Health Institute, who was the then Health Officer for refreshing his memory and to give suitable explanation It will be forwarded immediately on receipt from the Director of Public Health

I may state that the fact of such grant of license came to my notice only on 23-10-1942 when furnishing answers to the interpellations of Mr M P Govindarajulu regarding number of licenses granted in Rajamahal Uparahally and Dobspet

It is further seen that 11 licenses have been granted during the last 10 years in Rajamahal Uparahally and one in Dobspet as per list enclosed either for repairs or extensions to existing buildings or new constructions

I have the honour to be,
Sir,
Your most obedient servant,

A Aziz Khan
Municipal Commissioner

mlt

1911 Census Report

[illegible]

Appendix F G—1]

SUBJECT

Section ml

File No

Serial No

Diary No of letter replied to

No L 7123

To

General and Revenue Secretariat

( )

the *194*

The ml Commr, Bang[l]

Sir,

Date of issue 20 / 43

I am with reference to your letter no C2 C 650/42 B dtd 2nd Jany 1943, I am directed to request you ~~to the to forward~~ to obtain & forward very early the explanation of the Health Officer who granted the license for the construction of a garage to Mr V K Govindarajulu, BA, B L on his site no 30, Maramma Temple Road, Rajamahal Vilas Extension, Bang[l]

Signed by Mr GR Rao

List of enclosures

Copied by

Examined by

Thanks

for

19/1/43

Dy Secy to Govt

Law Dept

WD 04161—GPB—60 000—24 10 41

Confidential

BANGALORE CITY MUNICIPALITY

4692 (13)

No C2 C650/42

MUNICIPAL OFFICES

Encl as per Phenest (12)

Bangalore 1st February 1943

From

ABDUL AZIZ KHAN ESQ B A

MUNICIPAL COMMISSIONER

Bangalore City

Ml 135-42

L S G E I C

To

C Narayanaswamy Naidu Esqr B A , B L

SECRETARY TO THE GOVERNMENT

OF HIS HIGHNESS THE MAHARAJA OF MYSORE

LAW DEPARTMENT BANGALORE

SIR

With reference to your letter No L 5328 da ed 26th November 1942 calling for the explanation of the Health officer who granted the license to Mr V K Govindarajalu to construct a temporary garage in the prohibited area in Palace Upparhalli, I have the honour to forward herewith the explanation in original of Dr M G Srinivasa Piedpet the then Health Officer with he connected records - - received from the Director of Public Health with his letter No C 19-4 dated 13th January 1943 The Explanation belies facts & Contains Thin excuses for Covering purposing his action in Circumventing and breaking the rule.

I have the honour to be

Sir

Your most obedient servant

Municipal Commissioner

dar/-

(12)

Reference Bangalore City Municipal Commissioner's letter No C 2-C 651-42 dated 1/3 December 1942, stating that Government had called for my explanation for granting a license to Mr V K Govindarajalu to construct a temporary motor garage in Palace Upparahalli contrary to G O No 7678/ R F 55-92 dated 2/18 -7- 1892

Respectfully submitted to Government

The powers of Minicipal Council under building License section of the Municipal Regulation were delegated to me The Municipal Commissioner exercised powers of veto

Mr V K Govindarajalu, approched me as a petitioner stating that he was aware there was trouble in granting building License in Palace Upparahalli on account of a Government order He was a legal practitioner who had his office and clientale in the City proper which was at a great distance from his residence in Upparahalli he had to attend to several courts during each day and thereby had to earn his livelihood He was forced to maintain a quick conveyance and had purchased a motor car at much inconvenience He wanted shelter for it He undertook that he will be bound by any conditions that may be imposed on him This was in the month of November 1941

The Government order No 7678/R F 55-92 dated 2/18-7-1892 which has stood for 50 years has invariably been felt to be very vague to be given effect strictly and it is understood there have been instances in which buildings were permitted to be constructed by the President or Municipal Commissioner before I came over to Bangalore City Municipality It was considered appropriate to allow re-construction of fallen walls or broken ones Improvement of ventilation by provision for windows or doors were allowe But in a recent case even change of roofing from zinc sheets to

Mangalore tiles was not permitted though there was no contra-indication in the Government order It all depended upon how the chief executive officer interpreted the Government order There was recently a case in which I had to give License for the construction of a new building on the Cunningham road near Dobspet This referred to the plots of vacant land that were included in the 1892 Governrment prohibitory order, but were granted exemption under a later Governrnent order which enabled a License to be issued to a party

In one of the meetings of the Municipal Council when several Municipal Councillors protested that much hardship was caused by indiscriminate refusal of Licenses in Palace Upparahlli,the Municipal Commissioner assured that applications will be sympathetically considered and permission would be granted without prejudice to the spirit of the Government order and with no subsequent liability on Covernment My attention was drawn to this

Above all this,there was the subsequent Governmen "R" order No 7200-2-M L 142-13-9 dated 27-3-1916 which indicated that Government were anxious to improve the said locality and provide facilities for the inhabitants of the area and even went so far as to assure a subvention of one half the cost towards such improvement from State Funds if the scheme was undertaken by the Municipality

Thus under the varied intricate circumstances, the practical process of Licensing in the prohibited area furnished a difficult situation to the Licensing Officer who was invested with powers of delegation by the Municipal Council

In the case of Mr V K Govindarajalu a temporary License for a garage was granted to accommodate his motor car, after taking an agreement from him on a stamped paper that he

(12)

he would remove the construction whenever desired by the Municipality without claiming any compensation This procedure fully protected the implications laid down in the Government order

It is always open to the Municipality to get the construction demolished, and the Municipal Commissioner would have issued directions to that effect or withdrawal of the License in the earlier stages alone if he had considered the action improper Such a procedure has not been uncommon in the Municipality

In conclusion I beg to state that it was never my intention to violate the Government order or to show any favour to Mr V K Govindarajalu

If there is any error of judgment I beg to be forgiven

M G Muthuswamy

8 / 43

8701/42 Ml 135-42-10

To The Revenue Commr.
Bangalore city thro' Pol.

Sir. With reference to the correspondence ending with your letter no C2 C650/42 dt 1-2-43, I am directed to return herewith the file of records relating to the grant of a licence to Mr. V K Govindarajulu, for the construction of a garage on his site no 30, Maramma Temple Road, Rajamahal Upparahalli after perusal

I have etc

for Secy to Govt
Home & Law Deptt
25/2